

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, et al.,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
v.)	NO. 1:17-CV-2989-AT
)	
BRAD RAFFENSPERGER, et al.,)	
)	
Defendants)	

**OBJECTION OF NON-PARTY ROBERT BRADY, FLOYD COUNTY
ELECTIONS SUPERVISOR, TO SUBPOENA TO PRODUCE
DOCUMENTS FROM COALITION FOR GOOD GOVERNANCE**

COMES NOW ROBERT BRADY, in his official capacity as the Floyd County, Georgia, Elections Clerk, by and through the undersigned counsel, and makes this his objection to Plaintiff COALITION FOR GOOD GOVERNANCE's Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action by showing and stated as follows:

1.

On August 11, 2020, Non-party, ROBERT BRADY (hereinafter "BRADY") was served with a Subpoena to Produce Document, Information, or Objects or to Permit Inspection of Premises in a Civil Action in the above-styled case, a copy of which is attached hereto as Attachment 1. The subpoena enumerates 16 categories of documents to be produced. The subpoena was served on the date of the County-

wide primary runoff election which was held on Tuesday, August 11, 2020, and requested a response date of August 25, 2020, just 14 days later. The result of that primary runoff election were not certified until August 21, 2020.

2.

Non-party BRADY submits that the time for compliance was totally unreasonable given the election, the process of certifying the election, and the minimal staff available to accomplish these tasks.

3.

Non-party BRADY has no documents that are responsive to Items 1, 3, 4, 5, 7, 8, 9, 13, and 16 of the subpoena.

4.

Non-party BRADY will produce documents responsive to Items 10, 11, 14, and 15, except to the extent that requests contain personally identifying information which will be redacted or the extent Item 2 asks for scanned ballot images which would be unconstitutional as set forth below. However, reproduction and redaction of these records will take additional time, together with the assistance of Dominion which is not available until today, August 25, 2020.

5.

Non-party BRADY objects to Items 2 and 15 of the subpoena, as disclosure of ballot images and specific identifiers of time, place and identity of voters, given the small number of voters at certain precincts, violates the mandate of the Georgia Constitution which requires that votes be cast by secret ballot. 1983 Ga. Const. Art. II, Sec. I, Para. I.

RESPECTFULLY SUBMITTED, this 25th day of August, 2020.

McRAE, SMITH, PEEK,
HARMAN & MONROE, LLP

BY: /s/ Virginia B. Harman
VIRGINIA B. HARMAN
Georgia Bar No. 327225
Attorneys for Non-party Robert Brady

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CERTIFICATE OF COMPLIANCE

The foregoing **OBJECTION OF NON-PARTY ROBERT BRADY, FLOYD COUNTY ELECTIONS SUPERVISOR, TO SUBPOENA TO PRODUCE DOCUMENTS FROM COALITION FOR GOOD GOVERNANCE** is double-spaced in 14-point Times New Roman font and complies with the type-volume limitation set forth in Local Rule 7.1.

Respectfully submitted, this 25th day of August, 2020.

McRAE, SMITH, PEEK,
HARMAN & MONROE, LLP

BY: /s/ Virginia B. Harman
VIRGINIA B. HARMAN
Georgia Bar No. 327225
Attorneys for Non-party Robert Brady

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **OBJECTION OF NON-PARTY ROBERT BRADY, FLOYD COUNTY ELECTIONS SUPERVISOR, TO SUBPOENA TO PRODUCE DOCUMENTS FROM COALITION FOR GOOD GOVERNANCE** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record in the above-referenced actions and via electronic mail to:

Mr. Bruce Brown
Office of Bruce Brown Law
1123 Zonolite Road
Atlanta, GA 30306
bbrown@brucepbrownlaw.com

RESPECTFULLY SUBMITTED, this 25th day of August, 2020.

McRAE, SMITH, PEEK,
HARMAN & MONROE, LLP

BY: /s/ Virginia B. Harman
VIRGINIA B. HARMAN
Georgia Bar No. 327225
Attorneys for Non-party Robert Brady